

The Planning Commission for the City of Junction City met on Thursday, August 29, 2012, at 6:30 p.m. in the Council Chambers at City Hall, 680 Greenwood Street, Junction City Oregon.

PRESENT WERE: Commissioners, Brad Lemhouse (Chair), Jeff Haag, Jenna Wheeler, Donna Bernardy, Karen Leach and Jason Thiesfeld; Planning Commission Alternate, Patricia Phelan; Planner, Stacy Clauson; City Administrator, Kevin Watson; City Attorney, Carrie Connelly; ECONorthwest Consultants, Beth Goodman and Bob Parker; and Planning Secretary, Tere Andrews; **ABSENT:** Planning Commissioner, Sandra Dunn

I. OPEN MEETING AND REVIEW AGENDA

Chair Lemhouse opened the meeting at 6:30 pm. He reviewed the agenda and read a statement explained the public comment period had closed on August 24, at 9:00 am therefore public comment related to the comprehensive plan updates, would not be taken by the Planning Commission. The Planning Commission would deliberate and make recommendation to the City Council.

II. PUBLIC COMMENTS (FOR ITEMS NOT ALREADY ON THE AGENDA)

Edith Loveall, 1315 Oak Drive, Junction City Oregon, 97448 asked where the 20 foot buffer began.

Chair Lemhouse explained they would discuss the buffer under agenda item IV.

There were no other comments.

III. APPROVAL OF MINUTES

AUGUST 16, 2012

MOTION: Commissioner Thiesfeld made a motion to approve the minutes as written. The motion was seconded by Commissioner Phelan.

VOTE: 6:0:0. Chair Lemhouse, Commissioners Haag, Leach, Bernardy, Thiesfeld and Phelan voted in favor.

IV. AMENDMENT TO JUNCTION CITY ZONING ORDINANCE AND COMPREHENSIVE PLAN, FILE NO. CPA-12-01

Commissioner Leach declared a potential conflict of interest. She stated she owned property within the proposed area of the commercial Urban Growth Boundary (UGB) expansion. Commissioner Leach declared her ability to be impartial.

Commissioner Haag declared a potential conflict of interest. He stated he owned property within the proposed area of the commercial Urban Growth Boundary expansion. Commissioner Haag declared his ability to be impartial.

Attorney Connelly reviewed the legal guidelines regarding regulatory takings; if ruling resulted in the inability to use the property that equaled a regulatory taking. In the case of Junction City the overlay did not take property but regulated it.

Commissioner Haag suggested the buffer be the high-water mark. He hoped that would eliminate the need for wetland delineation.

Planner Stacy said delineation may still be required at the state level.

Commissioner Haag asked about the areas on the Oaklea site which had been originally designated for bike paths.

Planner Clauson said it could be removed from the Wetland Resource Overlay District (WRD). That was one (1) of the options staff would bring forward.

Commissioner Haag asked for clarification on the process for a local wetland inventory.

Attorney Connelly responded Department of State Lands (DSL) required approval through their office prior to local Planning Commission and/or City Council review. State rule required property owner notification. The historical records demonstrated there had been letters sent to property owners and the issue discussed at the Citizen Comprehensive Plan Committee (CCPC).

(Commissioner Wheeler arrived at 6:48 pm)

Chair Lemhouse said the Commission needed to review the documents at hand.

Commissioner Thiesfeld asked if the process could move forward without the wetland piece.

Planner Clauson replied that option was included in the memo sent in the Planning Commission packets.

Chair Lemhouse said the State definition of wetlands was the definition they needed to use. The State required a wetland inventory by a wetland specialist/expert. The city did not have a choice on what lands were determined to be wetlands. However, there were options as far as protection levels. The Planning Commission had attempted to minimize impacts to property (and owners) as much as possible.

Planner Clauson reviewed the policy options:

1. Modify the Wetland Protection Program
2. Modify the WRD language
3. Break out wetland proposal
4. The Functional Analysis could be redone, however, there were strict State standards which had to be followed
5. Other option(s) as defined by the Planning Commission

Chair Lemhouse asked if the wetland piece could be separated from the rest of the process, if so what impacts that would have.

Mr. Bob Parker, ECONorthwest, said there were impacts. One was the re-designation of the Oaklea site. Without the wetlands there would be additional acreage which affected the land needs for residential, commercial and industrial needs. It could create complications, if broken out it would likely take longer.

Chair Lemhouse asked the Commission if they wanted to break out the wetland piece.

Commissioner Haag wondered if they gained anything, the areas identified as wetlands would still be wetlands.

Commissioner Phelan asked about additional costs.

Chair Lemhouse asked if DSL would accept the package without the wetlands. He added if they delayed decision on the WRD, a different consultant would probably give them the same or similar results. He asked if there was consensus to use the current wetland inventory.

Consensus: There was unanimous consensus from the Planning Commissioners to use the DSL accepted local wetland inventory.

Commissioner Haag said the commission spent a lot of time working on this project. He noted the 20-foot buffer seemed to be the issue for property owners.

Chair Lemhouse said the 20-feet seemed to be the trigger for additional review.

Commissioner Phelan asked if there was a possibility the State could reject the proposal.

Chair Lemhouse nodded yes hopefully they would be minor modifications.

Attorney Connelly added if it were remanded DSL would detail the deficiencies they identified. DSL would also explain what needed to happen to bring the plan into compliance. Staff/Consultant recommendations to the Planning Commission had been based upon what was least likely to be remanded or if remanded, be minor items.

Chair Lemhouse asked about option 4, having the functional analysis redone.

Planner Clauson reviewed that the Planning Commission had decided on a middle ground in regard to wetland protection levels (partial protection) which allowed continued use of the property. Broad allowances were used for maintenance and repair of structures and/or property and maintenance of the drainage ditches for flood purposes. Changes to those decisions could be proposed such as the properties which were covered under the WRD. Another approach was to use the existing drainage easements together with the DSL fill removal permit as the local wetland protection program for those areas where the primary function was drainage control.

Commissioner Haag asked which approach was easiest on the land owner, would DSL still be notified.

Planner Clauson responded it did not eliminate DSL requirements.

Commissioner Wheeler asked if a culvert could be placed in a drainage ditch which had been designated as wetlands.

Planner Clauson replied the property owner would need to seek approval through DSL.

Chair Lemhouse said even if there was no local protection the area was still classified as a significant wetland.

Planner Clauson agreed it would be a locally significant wetland and notice to the DSL was required. DSL would determine if a permit process was necessary.

Chair Lemhouse said DSL would only be notified if a proposed project encroached into the wetland so anything not crossing that line would not involve DSL.

Planner Clauson would want to confirm that with DSL.

Commissioner Wheeler asked about the possibility of revisiting some of the wetlands to see how they impacted the property owners.

Chair Lemhouse asked if that affected the ESEE Analysis and/or the Buildable Land Inventory (BLI).

Planner Clauson said it depended on the degree of any changes.

Mr. Parker said it would not be a lot but it still required an updated BLI.

Commissioners Haag and Leach did not want to revisit the protection levels for the locally significant wetlands.

Planner Clauson said if the easements for wetlands with a primary function of flood control provided for wetland protection it could be used with the DSL process as a partial protection program.

Chair Lemhouse said then there would essentially be a Partial Protection Level 'A' and Partial Protection Level 'B'.

Commissioner Haag asked which option was the safest and easiest on the property owner.

Planner Clauson suggested those areas be removed from the WRD. It would still be shown on the Comprehensive Plan with an added policy that those areas were addressed through the storm water conveyance easements. There would still be partial protection but administered through a different mechanism. There were benefits to both approaches; the overlay provided clarity to future property owners but current property owners were familiar with the drainage easements on their property.

Commissioner Thiesfeld preferred the drainage ditch easements approach.

Planner Clauson clarified the drainage ditch easement approach was a riskier proposal as DSL may not be familiar such a proposal.

Chair Lemhouse asked the Commission if they wanted to review the local significant wetlands.

The Commission discussed the options.

1. Remove the overlay from channels and replace with it a policy in the Comprehensive Plan which stated they were partially protected through the storm drainage easements.
2. Keep the overlay but narrow it for the channel areas as they had a clear defined edge.

Commissioner Wheeler suggested they modify the overlay for the channels and that the line be the top of the banks.

Planner Clauson said there could be two trigger lines.

Chair Lemhouse said it would be based upon the individual wetland.

Planner Clauson agreed. She recommended they discuss the Oaklea site (bike paths). A letter (from attorney Nick Klingensmith) was received which recommended a modification of the ESEE Analysis to clarify the areas originally designated as open space for bike paths that they were not considered high value wetlands which observe the local wetland protections afforded by the WRD overlay.

Consensus: The Planning Commission recommendation was to modify the ESEE analysis to remove the areas originally designated as bike paths.

Planner Clauson received comment concerning the regulations and the lack of any clear provision which addressed fences. She asked if the Commission wanted to address that issue within the regulation text.

Chair Lemhouse asked how the DSL looked at this.

Planner Clauson did not know how DSL permitted fences however there were model ordinances that did allow for fencing.

Commissioner Haag suggested language be added that said fences were permitted so long as they did not obstruct water flow in the ditches.

Planner Clauson summarized Planning Commission direction: reduce overlay on channels to co-inside with the inventory boundaries. Modify the ordinance and map to reflect that; modify the ESEE Analysis to address exclusion of areas designated for bike paths on the Oaklea site, exclude and remove from zoning map; add provisions

permitting fences provided they did not block water flow and did not violate maintenance easements.

Planner Clauson said other issues were raised during the public comment period that did not relate to wetlands. Staff and consultants made changes to the Findings document to address those comments. Many of the comments were about the commercial expansion alternatives analysis and the Economic Opportunities Analysis (EOA).

Commissioner Wheeler said comments received from 1,000 Friends of Oregon made a comment there was an error on a map.

Mr. Parker responded initially wetlands were not considered unsuitable and shown as such on maps. In subsequent discussions it was determined the wetlands were unsuitable due to flood constraints.

Chair Lemhouse asked the Commission if they were comfortable with the findings as presented.

Attorney Connelly said the changes made would be forwarded to the City Council; they would not come back to the Planning Commission.

Chair Lemhouse asked if there were any further comments from the Commissioners.

The Commission briefly discussed the Transportation System Plan (TSP) update as it related to the recommended medium density residential designation for the area along Pitney Lane. The TSP would look at the transportation needs in the area and make appropriate recommendations.

Planner Clauson restated the recommendations from the Planning Commission for approval of the amendments to the Comprehensive Plan and Zoning Ordinance as presented in Exhibit A (as amended in August 2012) and its accompanying attachments with the following revisions: 1. Modify WRD Overlay as designated on the Oaklea site as outlined in Attorney Klingensmith's letter of August 16, 2012 and in the manner explained in the August 22, 2012 letter; modify WRD Overlay width in the channels to match the wetland boundaries as mapped on the local wetland inventory and make modifications in the ordinance to that affect; Modify the WRD wetland regulations to permit fences as a permitted use provided they do not interfere with water flow or violate city easement restrictions.

Motion: Commissioner Wheeler made a motion to recommend approval of the amendments to the Comprehensive Plan and Zoning Ordinance as presented in Exhibit A (as amended in August 2012) and its accompanying attachments with the revisions as stated by staff and modified by Chair Lemhouse including the revised findings report received today. The motion was seconded by Commissioner Leach

Chair Lemhouse asked if there was any further discussion.

There was none

Vote: 6:0:0

Chair Lemhouse, Commissioners, Dunn, Bernardy, Wheeler, Haag, Leach and Thiesfeld voted in favor.

V. FUTURE AGENDA ITEMS

Commissioner Haag asked that the zoning issue at the corner of 16th & Juniper be added to the list for review

VI. COMMISSIONER COMMENTS

Commission Bernardy explained why she had been unable to listen to the audio recordings of previous meetings.

VII. ADJOURNMENT

Motion: Commissioner Thiesfeld made a motion to adjourn the meeting. The motion was seconded by Commissioner Wheeler.

Vote: 6:0:0

Chair Lemhouse, Commissioners, Haag, Leach, Thiesfeld, Wheeler, Bernardy and Dunn voted in favor.

The meeting was adjourned at 8:17 p.m.

The next regularly scheduled Planning Commission meeting would be Tuesday, September 18, 2012 at 6:30 p.m.

Respectfully Submitted,

Tere Andrews, Planning Secretary

Brad Lemhouse, Chair